SUPREME COURT OF THE UNITED STATES.

No. ~~302.~~ 226.107.

THE SCHOONER FLORIDE AND CARGO, WILLIAM MARR, MASTER AND CLAIMANT, APP'T,

vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

GOVERNMENT PRINTING OFFICE.

5141

SUPREME COURT OF THE UNITED STATES.

No. 302.

THE SCHOONER FLORIDE AND CARGO, WILLIAM MARR, MASTER AND CLAIMANT, APP'T,

vs.

THE UNITED STATES.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF FLORIDA.

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1 United States of America, district court of the United States, southern district of Florida.—In admiralty.

THE UNITED STATES
vs.
THE SCHOONER FLORIDE AND CARGO, WILLIAM MARR, master and claimant. } Prize.

Be it remembered that on the twentieth day of March, in the year of our Lord one thousand eight hundred and sixty-two, Thomas J. Boynton, esquire, attorney for the United States for said district, filed in the office of the clerk of said court his libel of information against the schooner Floride, her tackle, apparel, furniture and cargo, in a cause of prize, in the words and figures following, to wit:

In the district court of the United States for the southern district of Florida.—In admiralty.

THE UNITED STATES
vs.
THE FLORIDE AND CARGO. } Prize.

To the honorable Wm. Marvin, judge of said court:

The libel of Thomas J. Boynton, attorney of the United
2 States for the southern district of Florida, who libels for the United States, and for all parties in interest, against the ship or vessel called the Floride, her tackle, apparel, furniture and cargo, in a cause of prize, alleges—

That, pursuant to instructions from the President of the United States, Joseph Winn, of the United States navy, in and with the United States ship-of-war the James L. Davis, her officers and crew, did, on the tenth day of March, A. D. 1862, subdue, seize, and capture on the high seas, as prize of war, the said ship or vessel called the Floride, with her tackle, apparel, furniture, and a valuable cargo on board of the same; and that said vessel and cargo have been brought into the port of Key West, in the State of Florida, where the same now are within the jurisdiction of this court; and that the same are lawful prize of war, and subject to confiscation as such.

Wherefore the said attorney prays that all persons having or claiming any interest in said vessel, her tackle, apparel, furniture, or cargo, may be duly notified of the allegations and prayer of this libel, that the nature, amount, and value of said cargo may be determined; that due and proper proofs may be taken; and that, on all proper proceedings being had, the said vessel, together with her tackle, apparel,
3 furniture and cargo, may, on the final hearing of this cause, by the definitive sentence and decree of this court, be condemned, forfeited and sold, and the proceeds distributed according to law.

THOS. J. BOYNTON,
U. S. Att'y S. D. of Fla.

Whereupon the following order was made and entered in this cause to wit:

AT CHAMBERS, *March 20th*, 1862.

Let monition and attachment issue, returnable March 26th, 1862.

WM. MARVIN, *Judge.*

Whereupon, pursuant to the foregoing order of court, an attachment was issued to the marshal for said district, directing him to attach, seize, and take into his custody the said schooner Floride. her tackle, apparel, furniture and cargo, to abide the further order of this court; which attachment was afterwards by him returned, duly executed, and, with the return thereon endorsed, is on file in the clerk's office.

Also, on the same day, pursuant to said order, monition was issued to the said marshal, directing him to cite and admonish all persons whomsoever having, or pretending to have, any right, title,
4 claim, or interest in or to the said vessel, the Floride, her tackle, apparel, furniture and cargo, to appear at an admiralty session of said court, to be held at the court-rooms of said court at Key West, in said district, on Wednesday, the 26th day of March, 1862, at 10 o'clock in the forenoon of that day, to show cause, if any they have, why forfeiture should not be decreed according to the prayer of said libellant; which monition, with the return thereon endorsed, is on file in the clerk's office.

Afterwards, to wit, on Monday, the thirty-first day of said month, the monition in this cause having been heretofore returned duly served, proclamation being duly made, when William Marr, master of said vessel, and George Redgate, appeared, by their proctor, W. C. Maloney, esquire, and presented their claims to said vessel and her cargo, in the words and figures following, to wit:

United States district court, southern district of Florida.—In admiralty.

THE UNITED STATES, JOSEPH WINN, commanding the U. S. ship-of-war James L. Davis, *et al.*, *vs.* THE SCHOONER FLORIDE, CLAIMANTS, &c.	Claim for vessel and cargo.

5 Now comes William Marr into the court now here, and says that he is the duly appointed and constituted master of the English schooner Floride, now being within the jurisdiction of this court, and held as a prize of war, and that as such master is the lawful bailee of the schooner, her tackle, apparel, furniture, and of her cargo.

And he further saith that the said schooner, her tackle, apparel, furniture, and cargo, are not lawful prizes of war, and subject to confiscation as such, as charged and set forth in the certain libel of information filed and exhibited against the same in this cause in the said court, as he is informed and verily believes.

And he further saith that he claims the said schooner Floride, her tackle, apparel, furniture, and cargo, for the respective owners thereof.

And he further saith that Charles W. Dexter, a native and subject of the kingdom of Great Britain, and a resident of the Spanish island of Cuba, is the true and bona fide owner of the said schooner Floride, her tackle, apparel, furniture, and ship stores, excepting one chronometer on board said schooner, which said chronometer is the sole and exclusive property of the said master, William Marr, and that no other and different person or persons are the owners thereof, and that the chronometer aforesaid the said master claims for himself, as appears by the register of said schooner now in the keeping of this court, as he is informed and verily believes.

6 And he further saith that he is informed and verily believes that the cargo of the said schooner is owned by Mr. Charles Penot, a native and resident of the empire of France, and a lawful subject of Emperor Napoleon Third, with the exception of ten sacks or bags of coffee which belong to one George Redgate, one of the crew of said schooner, and are his own property, and shipped on board said schooner by him on his own account, and that the same is consigned by the bills of lading on board said schooner at the time of her capture, to be delivered to certain persons in the city of Matamoras, in Mexico, which bill of lading he believes to be now in the custody of this court.

Wherefore, and by reason of the premises, he prays this hon. court that this court, upon the hearing of this cause, grant unto him a decree giving him, as such bailee and master, restitution of such schooner, her tackle, apparel, furniture, cargo, and papers, and for such other and further relief as this hon. court shall deem meet and just in the premises.

WM. MARR.
W. C. MALONEY,
Proctor, &c.

Sworn to before me this 31st day of March, 1862.
GEORGE D. ALLEN, *Clerk.*

7 United States district court, southern district of Florida.—
In admiralty.

THE UNITED STATES, JOSEPH WINN, commanding the U. S. ship-of-war James L. Davis, *et. al.*,
vs.
THE SCHOONER FLORIDE, &c.
} Affidavit of verity of claim.

Southern District of Florida, ss:

William Marr, being first duly sworn, deposeth and saith that he is the duly appointed master of the English schooner Floride; that, as such master, he interposed the foregoing claim for the said schooner, her tackle, apparel, and furniture, for and on behalf of her absent owner, Charles W. Dexter, an English subject; that said claim is

made in good faith, and that this deponent verily believes that the said Charles W. Dexter is the lawful owner thereof; that the reasons of this deponent's belief of the ownership of the said schooner by the said Dexter are, that this deponent was present at the purchase of said schooner by the said Dexter; also saw the purchase-money paid by the said Dexter to the agent of the former owners of said schooner, and also was present and saw the execution and delivery of the requisite title papers conveying the full and absolute title in and to said vessel to the said Charles W. Dexter; and that this deponent
8 was present at the delivery of said schooner to the said Dexter, in accordance with the terms of said sale; and that he has reason to believe, and does believe, that the said schooner and all her tackle, apparel, and furniture, are the just and lawful property of the said Charles W. Dexter, as appears from the register of said schooner; that the price paid by the said Dexter was $2,500, which this deponent verily believes is her full value.

And he further saith that he believes the said Charles Penot to be the owner of the cargo of said schooner, as set forth in the foregoing claim, from the connexion of this deponent with the said schooner as her master at the time of the shipment of said cargo on said vessel; that said schooner was under charter to the said Penot; that this deponent received said cargo on board from the agent of the said Penot as the property of the said Penot; that the same has to be accounted for by this deponent as the property of the said Penot, and that the bills of lading of said cargo are bona fide and are executed to the said Penot, as well as the charter-party of said schooner, to the said Penot; and that the said Penot is, as this deponent verily believes, and has reason to believe, by his connexion with the shipping of the same, the true bona fide and lawful owner thereon; and
9 that the matters and allegations set forth in the foregoing claim hereto attached, and which this is intended to verify, are in all things, as this deponent has reason to believe, and does believe, fully true as therein set forth.

WM. MARR.

Sworn to before me this 31st day of March, 1862.

GEORGE D. ALLEN, *Clerk.*

Claim of George Redgate to a portion of the cargo of the Floride.

United States district court, southern district of Florida.—In admiralty.

THE UNITED STATES, JOSEPH WINN, commanding the U. S. ship-of-war James L. Davis, *et al.*,
vs.
THE SCHOONER FLORIDE, WM. MARR, master, &c.

Now comes George Redgate into this court, now here, and says that he is a natural-born subject of the kingdom of Great Britain, and owes his allegiance thereto. And he further saith that he claims for

himself ten bags or sacks of coffee, and one package of shoemakers' thread of about the weight of fifty-four pounds, a part of the
10 lading and cargo of the English schooner Floride, now being within the jurisdiction of this court and held as a prize of war; and he saith that he claims the same by virtue of his own unqualified and absolute ownership thereof, and that no other and different person or persons are the owners thereof, or of any part thereof; and he denies that the same are a lawful prize of war, and as such subject to condemnation and confiscation.

Wherefore he prays this hon. court, upon the hearing of this cause, grant unto this claimant a decree giving this claimant restitution of said goods, ware, and merchandize, and such other and further relief as to this honorable court may seem meet and just; and will ever pray, &c.

GEORGE REDGATE.
W. C. MALONEY,
Proctor, &c.

SOUTHERN DISTRICT OF FLORIDA, *State of Florida, ss:*

George Redgate, being duly sworn, deposeth and saith that the matters and allegations contained in the foregoing claim are true of his own knowledge, and that the ownership of said goods, chattels, and merchandize is in this deponent, by absolute and unqualified purchase of the same by this deponent, at the city of Havana,
11 in the island of Cuba, and for which this deponent paid the full and actual market value. And further this deponent saith not.

GEORGE REDGATE.

Sworn to before me this 31st day of March, 1862.
GEORGE D. ALLEN, *Clerk.*

Whereupon it is ordered that the testimony taken in preparatorio before the prize commissioner be opened and published for the benefit of all parties concerned.

Whereupon the proctor for the claimants excepts to proceedings and depositions taken in examinations preparatorio, to wit:

Exceptions to the return of the prize commissioner of depositions taken "in preparatorio."

United States district court, southern district of Florida.—In admiralty.

UNITED STATES, JOSEPH WINN, commanding the U. S. ship-of-war James L. Davis, *et al.*,
vs.
THE SCHOONER FLORIDE AND CLAIMANTS, &c.

The claimants in this cause come into this court, now here sitting in admiralty for the adjudication of prize causes, and upon the
12 pleadings, proceedings, and records in this cause, and upon the affidavits hereto attached, except to the report of the prize

commissioner of this court, George D. Allen, esq., to the proceedings and depositions taken in the examinations preparatorio in this cause, and by him returned and on file in this court in this cause, and to any and all subsequent proceedings in this court upon said depositions for the condemnation of the said schooner Floride, her tackle, apparel, furniture, and cargo, as prizes of war, and show unto the court now here, as the grounds for such exceptions, that said commissioner in taking said depositions has violated the established laws of the United States and the international law of the world, as established by the rules of this court, and settled and adjudicated law and practice of all civilized nations of the world in the adjudication of prize causes in prize courts, as well in the taking of said depositions as in the time, order, and manner of taking and returning the same to this court.

First. All said depositions were taken and returned to this court, after the libel of the captors was duly filed in this court, without consent of claimant or order of court.

13 Second. Said depositions were all taken and returned to this court, and the entire examination in preparatorio was begun, conducted, and completed at a period entirely subsequent to the filing of the captors' libel, and after the issue and legal service of the process of monition in this cause, with like absence of consent or order.

Third. The said examination and depositions and proceedings preparatorio were conducted by said commissioner in an irregular and illegal manner, said examination not being in fact one examination, conducted consecutively, but in fact several different, distinct, and subsequent examinations, conducted on distinct and different occasions, at the will and pleasure of said commissioner, before the return day of the monition or the appearance of the claimants, and without the order or directions of the court.

Fourth. The monition in this cause bears teste on the 20th day of March, A. D. 1862; is made returnable on the 26th day of said month, and was served in a legal manner on claimants on the 22d day of the same month; and the deposition of William Marr, the master of said schooner, was not taken until after such service, to the use of

14 whose depositions on the hearing this cause in the first instance, or in any subsequent proceeding in this cause, the claimants all specially except.

Fifth. The depositions of Robert Johnston and August Pratt were not taken until the 24th day of March, A. D. 1862; to the like use of their depositions the claimants all make the like special exception.

Sixth. The deposition of Henry Coburn was not taken until the 25th day of March, A. D. 1862; to the like use of his deposition all said claimants likewise specially except.

Seventh. All said depositions were taken by said commissioner without authority in himself, without authority from the court, after the captors had in law and in fact elected to conclude their proceedings in preparatorio, and were in law concluded from taking further preparatory proceedings; and after all their proof was returned in law to this court, and the commissioner divested of all further jurisdiction thereof, without an order of this court made in this behalf upon the

hearing of this cause in the first instance, and the said claimants pray the judgment of this hon. court in the premises.

W. C. MALONEY, *Proctor.*

15 United States district court, southern district of Florida. In admiralty.

THE UNITED STATES, JOSEPH WINN, in command of the U. S. ship-of-war James L. Davis, *et al.*, *vs.* THE SCHOONER FLORIDE, &c. } Affidavit.

STATE OF FLORIDA, *Southern District, ss:*

William Marr, being first duly sworn, deposeth and saith that he is a native of Scotland, in the kingdom of Great Britain; that on the 8th day of March, A. D. 1862, this deponent sailed from the Spanish port of Havana in the English schooner Floride, of which said vessel this deponent was at that time, and is, the duly appointed and lawful master and captain; that this deponent sailed from said port of Havana, as aforesaid, upon a legal voyage, and was bound for the port of Matamoras, in the republic of Mexico, one of the duly recognized and existing republics in North America; that said sch'r Floride was laden with a miscellaneous cargo of merchandize, which said cargo was consigned to certain parties in the said port and city of Matamoras aforesaid, and was and is the property of other
16 person or persons than this deponent, for which said owner of said cargo this deponent had contracted for and in behalf of Charles W. Dexter, an English subject, and the owner of said vessel Floride, to convey and deliver said goods and merchandize to the said city and port of Matamoras aforesaid, and to deliver the same to certain consignees of said cargo residing in the said city of Matamoras, which said consignees were appointed and named by the owner of said cargo, as fully appears by the papers relating to said cargo on board of said schooner at the time of her capture and detention hereinafter mentioned; that this deponent, fully provided with the just and proper papers required by the law of England, to which flag and nation said vessel belongs, and also such documents as are required by the Spanish government and the regulations of the port of Havana, he did, on the day aforesaid, sail and proceed from the said port of Havana on his said lawful voyage to Matamoras with the intent and purpose to deliver the said cargo to its said consignees in said city; that while lawfully prosecuting said voyage, and on or about the hour of 12 o'clock in the noon of the 10th day of March, A. D. 1862, and in longitude 84° 40′ west from Greenwich, and in latitude 27° 48′ north, as near as this deponent could ascertain with the proper instruments and observations, this deponent fell in with a vessel alleging and claiming to be a vessel-of-war, commissioned and cruizing
17 by authority of the government of the United States, and under the command of an officer of the United States navy, which said vessel, this deponent is informed, is called the James L. Davis; that the said James L. Davis fired a shot across the bow of the said Floride,

and entered on board said schooner, and seized and took possession of the same, claiming her as a prize of war, as the officer of the said James L. Davis declared then and there to this deponent; that this deponent, his officers, and the crew of the said Floride were immediately taken out of said sch'r Floride, and placed on board the said vessel-of-war James L. Davis, and conveyed in such custody to Key West, at which place this deponent, said officers, and crew arrived on the 15th day of March, A. D. 1862; that this deponent, his mate, and crew were, on their arrival at said Key West, detained on board said vessel in custody about 2 days, and placed in confinement in a building which, this deponent is informed and verily believes, is the building used as a common jail at Key West; and that this deponent was so confined closely in said building until the morning of the 22nd day of March, A. D. 1862, when, at about the hour of 10 a. m. of said day, this deponent was taken from his said place of confinement, and conveyed, by some person to this deponent unknown, to a certain other building in said city or village of Key West, into the presence of another man, which said person then and there informed this deponent, in substance and effect, that he, the said person, was an officer of the district court of the United States
18 for the district of Florida, and was a commissioner thereof, with power to examine this deponent in proceedings preparatory to the condemnation and confiscation of the said sch'r Floride and cargo, as a prize of war, by the U. S. district court at Key West, sitting as a prize court; that this deponent believes that the name of the person aforesaid is George D. Allen; that, from the conversation of the said Allen, this deponent understood that he was brought before said Allen to be examined in what are termed proceedings preparatorio to the adjudication of the case of the schooner Floride and cargo in a prize court, and was willing to undergo such examinations, conducted in accordance with the rules and practice of the courts of the United States and all civilized nations of the world; that, at the time and place aforesaid, in the presence of the commissioner aforesaid, and positively before the said commissioner had commenced the examinations of this deponent upon the prescribed interrogatories produced by the rules of this court in the matter of prize adjudications, and, as this deponent verily believes, before this deponent was sworn or affirmed to answer said interrogatories, a person unknown to this deponent, in the presence of said Allen, commissioner, served on this deponent the copy of a process commonly called a monition, citing and commanding all persons whomsoever having, or pretending to have, any right, title, claim, or interest in and to the said
19 schooner Floride, her tackle, apparel, furniture, and cargo, to appear at an admiralty session of the U. S. district court, to be held at the court-rooms in Key West, in and for the southern district of Florida, on the 26th day of March, A. D. 1862, to then and there show cause why a decree of forfeiture should not be decreed against the said schooner according to the prayer of a certain libel of information on file in this court, which said monition bears date and test on the 20th day of March, A. D. 1862, as fully appears by said paper so served on this deponent, which is hereto attached

and made a part of this affidavit, and by the records of the court from which the same was issued.

And this deponent further saith that afterwards, on the same 22nd day of March, A. D. 1862, and after the service of said monition, the said commissioner proceeded to examine and take the answers of this deponent on oath to the standing interrogatories prescribed for by the rules of this court in such cases. and that this deponent has been examined relative to the said capture of the said schooner Floride at no other or different time or place, either before or since the time above referred to.

WILLIAM MARR.

Sworn to before me this 31st day of March, 1862.

GEORGE D. ALLEN, *Clerk.*

United States of America.—United States district court, southern district of Florida.

20 *The President of the United States to James C. Clapp, esquire, the marshal of the United States for said district:*

Whereas, on the twentieth day of March, 1862, Thomas J. Boynton, esq., attorney of the United States for said district, filed in the office of the clerk of said court his libel of information against the ship or vessel called the Floride, her tackle, apparel, and cargo, in a cause of prize, alleging that pursuant to instructions from the President of the United States, Joseph Winn, of the United States navy, in and with the United States ship-of-war James L Davis, her officers and crew, did, on the 10th day of March, A. D. 1862, subdue, seize, and capture on the high seas, as prize of war, the said ship or vessel called the Floride, with her tackle, apparel, furniture and valuable cargo on board of the same; and that said vessel and cargo have been brought into the port of Key West, in the State of Florida, where the same now are within the jurisdiction of this court, and that the same are lawful prizes of war, and subject to confiscation as such.

Wherefore said attorney prays that all persons having or claiming any interest in said vessel, her tackle, apparel, furniture, or cargo, may be duly notified of the allegations and prayer of said libel; that the nature, amount, and value of said cargo may be determined; that due and proper proofs may be taken; and that all proper proceedings being had, the said vessel, together with her tackle,
21 apparel, furniture, and cargo, may, on the final hearing of this cause, by the definitive sentence and decree of this court, be condemned, forfeited, and sold, and the proceeds distributed according to law.

And whereas the judge of said court has ordered that attachment and monition be issued, as prayed in said libel, returnable on Wednesday, the twenty-sixth day of March, 1862:

Now, therefore, you are hereby commanded forthwith to cite and admonish all persons whomsoever having, or pretending to have, any right, title, claim, or interest in or to the said vessel, the Floride, her tackle, apparel, furniture, and cargo, to appear at an admiralty session of said court, to be held at the court-rooms of said court at

Key West, in said district, on Wednesday, the twenty-sixth day of March, 1862, at 10 o'clock in the forenoon of that day, to show cause, if any they have, why forfeiture should not be decreed according to the prayer of said libellant, and to attend upon every session of said court, from that time, to be held until a final decree shall be rendered in the premises. And this you are required to do by serving on the master of said Floride a true copy hereof, and by posting one other such copy at the most public place in Key West. And how you shall have executed this precept make known to this court by a return hereof on or before the twenty-sixth day of March aforesaid.

Witness the Hon. William Marvin, judge of said court, at Key West, in said district, this twentieth day of March, A. D. [SEAL.] 1862.

GEORGE D. ALLEN, *Clerk.*

22 United States district court, southern district of Florida.—In admiralty.

THE UNITED STATES, JOSEPH WINN, commanding the U. S. ship-of-war James L. Davis, *et al.*, *vs.* THE SCHOONER FLORIDE, &c. } Affidavit.

STATE OF FLORIDA,
Southern district ss:

Robert Johnston, being first duly sworn, deposeth and saith that he has read and is fully acquainted with the contents of the foregoing affidavit and depositions of William Marr, the captain and master of the English Schooner Floride, hereto attached; that he, this deponent, was, at the time of the capture of the said schooner, the second officer of said schooner, and that the matters contained in the said affidavit of Captain Marr, so far as the same relates to the voyage of the said schooner from Havana to Matamoras, her capture by the ship-of-war James L. Davis, the removal of the officers and crew of the schooner to said vessel-of-war, and the bringing of the same to Key West, their confinement in Key West, are true, as set forth in said affidavit.

23 And this deponent further saith that he remained in custody in Key West until the 24th day of March, A. D. 1862, and that he was not taken before George D. Allen, the commissioner of the United States district court for the southern district of Florida, for such purposes duly appointed to be examined in preparatorio to proceedings for the libel and confiscation of the said schooner Floride, as a prize of war, or otherwise, in the said court, until the 24th day of March, A. D. 1862; that he was examined on oath on the standing interrogatories in such case provided by the rules of the court in prize cases on the said 24th day of March, between the hours of 10 a. m. and 4 p. m., and at no other and different time. And further this deponent saith not.

ROBERT JOHNSTON.

Sworn to before me this 31st day of March, 1862.

GEORGE D ALLEN, *Clerk.*

United States district court, southern district of Florida.—In admiralty.

THE UNITED STATES, JOSEPH WINN, commanding the U. S. ship-of-war James L. Davis, *et al.*, *vs.* THE SCHOONER FLORIDE, &c. } Affidavit.

STATE OF FLORIDA,
Southern District:

24 August Pratt, being first duly sworn, deposeth and saith that he has read and is fully acquainted with the contents of the foregoing affidavit and deposition of William Marr, the captain and master of the British schooner Floride, hereto attached; that this deponent was, at the time of the capture of the said schooner, one of the crew of said vessel, and that the matters contained in affidavit of Captain Marr, so far as they refer to the voyage of the said schooner from Havana to Matamoras, her capture by the ship-of-war James L. Davis, the removal of the officers and crew of the said schooner to the said ship-of-war, and the bringing of the same to Key West, their confinement in Key West, are true, as therein set forth in said affidavit.

And this deponent further saith that he remained in close custody in Key West until the 24th day of March, A. D. 1862, when he was taken before George D. Allen, the commissioner of the United States district court for the southern district of Florida, for such purposes duly appointed and commissioned as this deponent is informed to be examined in preparatorio to proceedings for the libel and confiscation of the said schooner Floride as a prize of war, or otherwise, in the said court; and then and there, between the hours of 3 p. m. and 10 p. m., he was so examined on oath on the standing interrogatories in such case provided by the rules of court in prize cases
25 as he is informed, and has not been examined by said commissioner touching the said sch'r, or her capture, either before or sooner than that time. And further said deponent saith not.

AUGUST PRATT.

Sworn to before me this 31st day of March, 1862.
GEORGE D. ALLEN, *Clerk.*

United States district court, southern district of Florida. In admiralty.

THE UNITED STATES, JOSEPH WINN, commanding the U. S. ship-of-war James L. Davis, *et al.*, *vs.* THE SCHOONER FLORIDE, WM. MARR, master, &c. } Affidavit.

STATE OF FLORIDA,
Southern District, ss:

Henry Coburn, being first duly sworn, on oath deposeth and saith, that he is fully acquainted with the contents, matters, and allegations

contained and set forth in the foregoing deposition and affidavit of William Marr, the master o the English schooner Floride, hereto attached; that he, this deponent, was, at the time of the capture of the schooner Floride aforesaid, one of the crew of the said sch'r, and present at her capture by the U. S. ship-of-war James L. Davis,
26 and that the matters set forth in the said affidavit of Captain Marr, so far as the same relate to the voyage of the said schooner from Havana to Matamoras, her capture by the James L. Davis, the removal of the officers and crew of the sch'r to said vessel-of-war, and the bringing of the same to Key West, their confinement in Key West, are true, as therein set forth in said affidavit.

And this deponent further saith that he remained in custody in Key West until the hour of 7 o'cl'k p. m., or thereabouts, of the 25th day of March, A. D. 1862, when he was taken before George D. Allen, the alleged commissioner of the United States district court for the southern district of Florida, duly appointed and commissioned as this deponent is informed, and examined in preparatorio to proceedings for the libel and condemnation of the said sch'r Floride as a prize of war, or otherwise, in the said court; and then and there, between the hour of 7 o'clock p. m. and 10 o'clock p. m., he was so examined on oath on the standing interrogatories in such case provided by the rules of this court in such cases, as he is informed, and that this deponent has not been examined by said commissioner touching the said schooner, or her capture, either before or since that time. And further this deponent saith not.

H. COBERN.

Sworn to before me this 31st day of March, 1862.
GEORGE D. ALLEN, *Clerk.*

27 Whereupon the premises were held under consideration. Afterwards, to wit, on the ninth day of April, in said year, the court pronounced its opinion on the said exceptions, in the words and figures following, to wit.

THE UNITED STATES
vs.
THE SCHOONER FLORIDE AND CARGO. } Prize.

In this case exceptions are taken by the claimant's proctor to the reading of the *depositions in preparatorio*, because of certain alleged irregularities of the commissioner in taking them. The seven exceptions may be fairly embraced in two:

1st. That the depositions were taken and returned to the court after the libel of the district attorney had been filed, and the monition issued and served. The point of the exception is, that the libel ought not to have been filed, nor the monition issued or served, until after the depositions had been taken. If the filing of the libel, issue of the monition and service, without waiting for the depositions to be taken, is an irregularity, it is an irregularity which operates in favor of the claimant, and I have no doubt it was so intended by the
28 district attorney. The practice adopted brings about an

earlier hearing on the merits, prevents unnecessary delay, and enables the court to restore the vessel and cargo, if neutral, several days sooner than it possibly could do, if the practice contended for by the claimant's proctor were adopted. The claimant's proctor does not pretend that his client has been prejudiced by the course adopted in the present case, but rests his exception upon a strict technicality. But there is no irregularity, not even a technical one, in the case. The course adopted is strictly regular, as may be seen by reading the 24th standing rule of this court. The libel may be filed and the monition issued, served, and returned, either before or after the taking of the depositions in preparatorio; and the one or the other course ought to be adopted, as may best suit the interests of the parties, and particularly the interests of the claimants, who generally desires an early hearing, and as little detention of his vessel or cargo as possible.

2d. "That the examination of the witnesses was not one examination conducted consecutively, but, in fact, several different, distinct, and subsequent examinations, conducted on distinct and different occasions at the will and pleasure of the commissioner, before the return day of the monition or the appearance of the claimants, and without the orders or directions of the court." I confess I do not understand the meaning of this exception. The witnesses were called before the commissioner, one after another, and examined; the
29 *the* examination of the one being completed before that of the other was commenced, according to the 16th standing rule of the court. They were not all examined in one day, nor could they be by the same commissioner. The deposition of the master was taken on the 22d of March; of Robert Johnson on the 24th; of Henry Coburn on the 25th, as appears from a statement contained in the exceptions themselves. There is no irregularity in this proceeding. The complaint of the master, that he and his crew were confined in a building which had been used for a jail, until after their examination was completed, is wholly unreasonable. No criminals were confined in the building. They had the run of the whole building and the yard. There is no complaint that they were not properly fed and cared for. The building itself is more comfortable than half the dwelling-houses on the island. They were detained but a few days, and simply as witnesses, and this as much for the benefit of the claimants of the property, who must make out its neutral character, as for the benefit of the captors. The exceptions, affidavits, statements, and complaints, contained in the long paper submitted, are all frivolous, and, so far as I can see, unmeaning as to any use to be made of them in this cause. Let the paper be filed, and let the exceptions be overruled.

APRIL 10*th*, 1862.

WM. MARVIN, *Judge.*

30 Whereupon the claimants except to the ruling of the court.

Whereupon the hearing of this cause was resumed upon the allegations and pleadings, the depositions taken in preparatorio, the papers, documents, letters, and writings found on board said vessel;

counsel not having been fully heard, this cause was therefore continued under advisement.

Afterwards, to wit, on Thursday, the tenth day of said month, the parties to this cause appearing, the court resumes the hearing of this cause; the facts and circumstances having been fully presented, the arguments of the counsel fully heard, the premises were thereupon submitted.

Afterwards, to wit, on Thesday, the fifteenth day of said month, the parties to this cause appearing, when the proctors for the claimants move the court for leave to make further proof, to wit:

United States district court, southern district of Florida.—In admiralty.

UNITED STATES, JOSEPH WINN, commanding the ship-of-war James L. Davis, *et al.*, captors, *vs.* THE SCHOONER FLORIDE, WILLIAM MARR, master, *et al.*, claimants.	Prize.

31 Now come the claimants in this cause, by Maloney & Beckwith, their proctors, into the court now here, and respectfully offers unto said court to furnish new and additional proof in this cause on the final hearing thereof of the following facts:

1st. The claimants offer to furnish the court with full and complete documentary proof of the title of Charles W. Dexter to the vessel, and further proof, orally or otherwise, as the court may direct, showing that the said vessel, her tackle, apparel, is the true and bona fide property of the said Charles W. Dexter alone, and of no other or different person or persons, and that her register is a lawful British register, lawfully obtained without fraud or purpose of fraud.

2d. The claimants offer to prove by documentary and other testimony submitted in manner as the court shall direct, that the cargo of said schooner is the sole property of the claimants in this cause, and that no person or persons residing in the insurrectionary State have either direct or contingent property interest in the same or any part thereof.

3rd. The claimants in this cause in like manner, and subject to the same rules and conditions, offer, in addition to the proof taken in preparatorio in this cause, to furnish the court with proof that the said schooner was bound on a lawful voyage from Cuba to Mat-

32 amoras, in Mexico, and not any blockaded port of the United States; to prove that after leaving Havana the said schooner pursued the usual route for the port of Matamoras until the morning of the 3rd of March, when the sea became so violent that the sch'r began to labor badly in the sea-way, the wind blowing S.SE. and the sea increasing, the schooner commenced opening in the water-way and carried away her main topmast, and that the master, to save the schooner, her cargo, and her crew, all of which he deemed in great peril if the vessel held her course west, as she was standing before; this reason and no other changed his course to NW. by west at 3 a. m., which was, with the violent sea running, the most westerly course

he could take with safety; that he continued that course until the sea had so abated as to make it safe to haul to the west on his route; that at meridian of the 10th he deemed it safe to change his course to west which was all his vessel would bear, which course took him directly down to the James L. Davis, who was in sight at the time, and distant some miles on the course so taken by said schooner; and that the foregoing are the only and true reasons for the alleged deviation of said sch'r from her direct route to Matamoras, now urged as a cause for the condemnation of said vessel.

And further to prove that the letters thrown overboard from said schooner in no way related to said vessel or her cargo, but were
33 letters from strangers to said claimants to families in New Orleans, intended to be sent from Matamoras to N. O. by the established land mail route.

4th. The claimants, to rebut any presumption existing in the mind of the court that even a wide deviation from the route to Matamoras is to be taken as evidence of an attempt to enter a blockaded port in the Gulf of Mexico, thereby subjecting the property of the claimants to confiscation, respectfully offer to prove that the port of St. Andrews bay, in the State of Florida, on the Gulf side thereof, is now, and for a long series of years has been, by the laws of the United States, a port of entry and survey, and is publicly known to the world as such, and for a long series of years has been used and occupied as a port for the lading and unlading of foreign vessels, and that the same was not at any time before or at the time of the capture of claimants' vessel either in a state of actual or pretended blockade; that no vessels-of-war had been stationed either at or near the entrance of said harbor and port, and that it had at no time been dangerous to enter or leave said harbor and port on account of the total absence of a blockading fleet there.

Now, therefore, come into said court now here, come the claimants in this cause, by their said proctors, and respectfully move said
34 court now here upon the offers of proof aforesaid, and upon the depositions and proceedings in this cause, that the said court do grant an order in this cause, granting unto said claimants leave to produce and use upon the final hearing in this cause further and additional proof in this cause in accordance with the rules and practice in this court, and for such other and further relief as to the court may may seem meet and just, &c.

April 10*th*, 1862.

MALONEY & BECKWITH,
Claimants' Proctors.

Southern District of Florida:

James R. Beckwith, being duly sworn, deposeth and saith that he is one of the claimants' proctors in this cause; that he is fully acqainted as such with the facts in this cause; that the above motion is made in good faith, and that he has reason to believe, and does believe, that the matters contained and set forth in the above offer can be fully proven if the claimants are allowed so to do by the court.

J. R. BECKWITH.

Sworn to this 14th day of April, 1862.

GEORGE D. ALLEN, *Clerk.*

35 Whereupon the following order was made and entered in this cause, to wit:

United States district court, southern district of Florida.—In admiralty.

THE UNITED STATES, JOSEPH WINN, commanding United States ship-of-war James L. Davis, *et al.*, captors,
vs.
THE SCH. FLORIDE, WILLIAM MARR, master and claimant.
} Prize.

Order.

The claimants in this cause, by their proctors, having heretofore, on the first hearing of this cause, moved the court to grant unto said claimants an order in this cause granting them leave to produce further proof in this cause, as appears by the claimants' motion now on file in this court, and the said motion having this day come to be heard, and the parties being present, and the court being fully advised in the premises, it is ordered by the court that said motion be, and the same is hereby, overruled and refused.

WM. MARVIN, *Judge.*

Afterwards, on the same day, the court pronounced its decree in this cause in the words and figures following, to wit:

36 THE UNITED STATES
vs.
THE SCHOONER FLORIDE AND CARGO.
} Prize.

This cause having been fully heard upon the proofs and allegations of the parties, and it appearing now to the court that this vessel and cargo were owned, at the time of their capture by the United States armed vessel the James L. Davis, by persons residing in the State of Florida, to wit, at Appalachicola, which State was and is at war with the United States; and it further appearing that the said vessel did sail from the port of Havana on a voyage bound to said Appalachicola, then blockaded, or to some other port of the United States in the northern part of the Gulf of Mexico, which said ports were, at the time of so sailing, and at the time of capture, blockaded by the authority of the United States, of which blockade the master and owner of the vessel, and the owners of the cargo, had full knowledge, they intending thereby to break said blockade:

It is therefore ordered and decreed that the claims exhibited in this case for the vessel and cargo be rejected as unsupported by proof, and that the said vessel and cargo be condemned and confiscated to the United States as a prize of war for the causes aforesaid,
37 and that the marshal proceed to advertise and sell the same at public auction and pay the proceeds according to the statute in such cases made and provided.

APRIL 15*th*, 1862.

WM. MARVIN, *Judge.*

Whereupon the claimant shows to the court that the matter in dispute exceeds the sum of two thousand dollars, and thereupon in open court claims an appeal from said final decree to the Supreme Court of the United States, and it is ordered that the same be accordingly allowed on his filing bonds and stipulations as required by statute.

United States district court, southern district of Florida.—In admiralty.

THE UINTED STATES, JOSEPH WINN, com'd'g the U. S. ship-of-war James L. Davis, *et al.*, captors,
vs.
THE SCH. FLORIDE, WM. MARR, master, and GEORGE REDGATE, claimant.
} Prize.

Notice.

APRIL 17TH, 1862.

SIR: Please take notice that the claimants in this cause intend to appeal from the final decree of the court in this cause.

W. C. MALONEY,
J. R. BECKWITH,
Claimants' Proctors.

To GEORGE D. ALLEN, esq., clerk, and
T. J. BOYNTON, esq., U. S. dis't att'y, captors' proctors.

38 I hereby admit due service of the above notice, this 17th day of April, A. D. 1862.

GEORGE D. ALLEN, *Clerk.*

Service made and admitted.

THOS. J. BOYNTON,
U. S. Att'y.

KEY WEST, *April 17th*, 1862.

Afterwards, to wit, on the nineteenth day of said month of April, the following stipulation was filed in the clerk's office, to wit:

District court of the U. States for the southern district of Florida.—In admiralty.

Question of prize or no prize.

Whereas an appeal has been taken to the Supreme Court of the United States, from the decree of this court, made on the fifteenth day of April, A. D. 1862, in a certain cause, wherein the United States, Joseph Winn, com'd'g the U. S. ship-of-war James L. Davis, and others, captors, are libellants, against the sch'r Floride, her tackle, apparel, furniture, and cargo, and Wm. Marr, her master and claimant of said sch'r, her tackle, apparel, furniture, and cargo, are defendants and appellants: Now, therefore, the stipulators undersigned hereby stipulate in the sum of two hundred and fifty dollars ($250) to pay all costs and damages that may be awarded against the said appel-

lants in said appellants' court, and to prosecute said appeal to effect in said court.

WM. MARR, *Principal.*
J. T. PACKER,
C. BOYD, *Sureties.*
GEORGE D. ALLEN, *Clerk.*

Taken, acknowledged, and approved by and before me this 19 d'y of Ap'l, 1862. WM. MARVIN, *Judge.*

Whereupon it is ordered that the said appeal be accordingly allowed.

39 On the hearing of this cause the following depositions, taken in preparatorio, and papers, letters, and documents, found on board of said vessel, were read in evidence:

Deposition of William Marr, before George D. Allen, prize commissioner, at Key West, March 22d, 1862.

1st interrogate. To the first interrogatory deponent answers, that he was born in Scotland; he now lives at Apalachicola, Florida; he has lived in the State of Florida for the last twenty-five years; is married; wife and family live at Apalachicola; he has been naturalized as a citizen of the United States; he owes allegiance to the State of Florida.

2nd interrogate. To the second interrogatory deponent answers, that he was present at the time of capture.

3rd interrogate. To the third interrogatory deponent answers, that the seizure was made on the tenth day of March instant, in lat. about 27° 50′ N., long. 84° 34′ W., or thereabouts; she was taken in charge by a prize crew and brought to Key West. She had no commission or letters of the kind; he was told that her papers were not legal.

4th interrogate. To the fourth interrogatory deponent answers, that she sailed under the English colors; she had an American ensign on board. The American ensign was her old flag.

40 5th interrogate. To the fifth interrogatory deponent answers, no resistance was made to the seizure; one gun was fired by the bark James L. Davis, which vessel made the capture; no other vessel in sight at the time. The Floride is a merchant vessel; the James L. Davis is a United States armed vessel of four guns.

6th interrogate. To the sixth interrogatory deponent answers, that the James L. Davis made the capture; he cannot tell what commission she had. He does not know as the Floride has been condemned.

7th interrogate. To the seventh interrogatory deponent answers, that the name of the vessel is the Floride; he was master; Thomas L. Mitchell, of Apalachicola, appointed him to the command at Apalachicola, in February, and was appointed in Havana in the same month, or early in March, by Messrs. Hamel & Co.; he has known the vessel some sixteen years; he first took possession of her at Apalachicola; Thomas L. Mitchel, of Apalachicola, delivered her to him; he lives as before stated.

8th interrogate. To the eighth interrogatory deponent answers, that the Floride is eighty-one tons burthen; she had eight of the

vessel's company all on board of her when she was taken; they were Germans, Irish, and English; they all came on board at Apalachicola except the 2nd mate, who joined the vessel in Havana; all hired by himself, being master of the vessel.

41 9th interrogate. To the ninth interrogatory deponent answers, that he belonged to the company of the vessel—was master; he had no interest in the vessel, nor any part of the cargo that was on bills of lading; he had 1 sack of coffee, 2 boxes soap, 1 box gin, 1 box sweetmeats, 1 trunk, containing linen, shoes, &c., 4 ladies' hats for his own family, and shoes for his family, the chronometer, and charts, and quadrant, and other articles for navigation, in value about $1,000; all of the crew had more or less articles on their own private account, which were not on any bills of lading; the 2nd mate had 10 sacks of coffee and 1 trunk.

10th interrogate. To the tenth interrogatory deponent answers, that he has known the vessel about sixteen years; first saw her at Apalachicola; she had eight men on board when taken; she was rebuilt in Pensacola about ten years since; he don't know where she was originally built; her name is the Floride; she has been called by that name about three or four weeks; she has been the Phœnix, and the S. & T. Parsons.

11th interrogate. To the eleventh interrogatory deponent answers, that she was bound to Matamoras; she would have followed the coast down towards Matamoras; she carried cotton from Apalachicola to Havana, and from Havana she took coffee, soap, gin, paper, some dry goods, calf skins, and sundry other articles, which were on board when she was seized; she had no contraband or prohibited articles on board, to his knowledge.

12th interrogate. To the twelfth interrogatory deponent
42 answers, that she had a register (provisional) issued by the English consul at Havana; she sailed from Apalachicola to Havana; she left Apalachicola in February last, and Havana about the 8th day of March instant; she carried cotton from Apalachicola, which was delivered at Havana; she took on board an assorted cargo of merchandize at Havana, which was on board when she was seized.

13th interrogate. To the thirteenth interrogatory deponent answers, that said vessel had 249 sacks of coffee, 180 boxes of soap, more or less, 100 cases of gin, 10 or 12 boxes of dry goods, 3 casks of pot or soda ash, and other merchandize on board, which were put on board about the first of March instant, all on board when she was taken.

14th interrogate. To the fourteenth interrogatory deponent answers, that Mr. Dexter, an English merchant in Havana, owned the vessel; he don't know how long he has lived in Havana; he never knew Mr. Dexter till last month. Charles Peanot owned the cargo; he lives in Havana; he is Spanish; he don't know where he has previously lived; he never knew him until about the 1st of March instant. He knew, by the information received from Mr. Hamel, the consignee of the vessel in Havana, and from some of the papers on board, that Mr. Peanot owned the cargo. He knows that Mr. Dexter owned the vessel, because he sold her to him, through the agency of Mr Hamel, in Havana, about the last of February.

43 15th interrogate. To the 15th interrogatory deponent answers,

that a bill of sale was made for the vessel, by himself, to Mr. Dexter, at the British consul's office, in Havana, in presence of Mr. Crawford and one other witness. An agreement was subsequently made (verbally) with Mr. Hamel to take the vessel to Matamoras, between himself and Mr. Hamel.

16th interrogate. To the sixteenth interrogatory deponent answers that the lading was put on board in Feb'y or the first week in March, at Havana. Mr. Hamel shipped the cargo, or sent it on board. He believes Mr. Hamel is Spanish. Mr. Peanot, he believes, owned the cargo. He cannot remember to whom the cargo was consigned; it was to be delivered at Matamoras, Mexico. He cannot tell on whose real account, risk, and benefit the same was shipped. Mr. Peanot, he thinks, is Spanish; lives at Havana, as he believes.

17th interrogate. To the seventeenth interrogatory deponent answers, that one set of two or three copies of bills of lading were signed for the cargo, which were true, and fair, and like the one on board.

18th interrogate. To the eighteenth interrogatory deponent answers, that he don't know the contents of the papers which were on board; he last saw them in the cabin of the James L. Davis, in charge of Capt. Winn, commander of the latter vessel.

19th interrogate To the nineteenth interrogatory deponent answers, that she was in lat 27° 51′ N., long. 84° 30′ W., or thereabouts, about 110 or 120 miles south from Dog island, off the coast of Florida, on the 10th day of March, inst., about 12 o'cl'k m., when seized.

44 There was a charter-party made in Havana, between Mr. Dexter and Mr. Hamel, for the use of the vessel for six months; he don't know for what sum.

20th interrogate. To the twentieth interrogatory deponent answers, that the papers of the vessel were on board when she left Havana. Three letters were thrown overboard before the capture

21st interrogate. To the twenty-first interrogatory deponent answers, that he had heard, in Apalachicola, of the United States vessels being on the coast blockading, but there was no blockade where he came out.

22d interrogate. To the twenty-second interrogatory deponent answers, that he heard that the United States government had ordered a blockade of the southern ports; no notice had been received by himself, or written on the vessel's papers, to his knowledge, of a blockade.

23d interrogate. To the twenty-third interrogatory deponent answers that her papers were not examined by any officer of the United States, to his knowledge.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that she has been at Apalachicola since the first establishment of the blockade, till she came out in February by daylight.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that she has not been before seized.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that he would lose the articles which he has on board; no indemnity, or satisfaction, or promise thereof has been received for this loss.

45 27th interrogate. To the twenty-seventh interrogatory depo-

nent answers, that there is no insurance on either vessel or cargo, to his knowledge.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that on being landed he don't know who the cargo would belong to.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that the coffee, he believes, is part Cuba and part Rio coffee. The other articles, he believes, were from several different countries.

30th interrogate. To the thirtieth interrogatory deponent answers, that the cargo came on board in Havana, by lighters from the shore, in March instant.

31st interrogate. To the thirty-first interrogatory deponent answers, that he don't know of any letters or papers of the kind, except the register she had on her voyage from Apalachicola to Havana, which was left at Havana.

32d interrogate. To the thirty-second interrogatory deponent answers, that the officers of the bark James L. Davis took the vessel's papers; he don't know where they now are.

33d interrogate. To the thirty-third interrogatory deponent answers, that bulk was not broken previous to capture.

34th interrogate. To the thirty-fourth interrogatory deponent answers, that there were no passengers on board. Three of the crew have families living at Apalachicola; the others, he thinks, have no fixed abode. No one secreted on board, and no soldiers on board.

46 35th interrogate. To the thirty-fifth interrogatory deponent answers, that all the papers were true and fair, to the best of his knowledge; he knows of nothing to affect their credit. He don't know who made oath to procure the papers. He received the papers of the vessel from the British consul's office in Havana. He cannot tell who applied for the register. He believes that the vessel was in Havana at date of the register. He believes the fees were paid for the papers. He thinks the register was to last six months. He don't know of any papers of the kind except those which were on board the vessel, unless they are in Havana. He signed bills of lading and other papers when in Havana. He cannot recollect their contents. Some of the papers were on board of the vessel and some were left in Havana, he thinks.

36th interrogate. To the thirty-sixth interrogatory deponent answers, that he first discovered the bark James L. Davis about 9 o'clock in the morning, before the capture. The Floride was then steering north northwest. The wind was south southeast. She changed her course about 12 o'clock to west or west northwest. The course during the morning was towards the Florida coast. She had gone northerly of the direct course from Havana to Matamoras, so as to follow the coast around to Matamoras. He would have beached the vessel in case of heavy weather, as she was leaking considerably.

47 37th interrogate. To the thirty-seventh interrogatory deponent answers, that she was transferred, in Havana, by himself and Mr. Hamel to Mr. Dexter for twenty-five hundred dollars, which was paid by a check on the bank of Havana, the check being deposited in the office of Messrs. Hamel & Co., Havana, to the credit of Thomas L. Mitchel, the former owner. He believes it was a true

and bona fide sale, and if the vessel is restored she would belong to Mr. Dexter aforesaid, and no one else. The transfer was made between the fifteenth day of February and eighteenth day of March the present year.

38th interrogate. To the thirty-eighth interrogatory deponent answers, that there was no guns mounted on board; no arms or ammunition on board; himself, mate, and second mate had each a pistol. She had none of the articles enquired about on board.

39th interrogate. To the thirty-ninth interrogatory deponent answers, that the vessel belongs, as he believes, to Mr. Dexter, in Havana, and the cargo to Mr. Peanot. She was going to follow the coast down to Matamoras.

40th interrogate. To the fortieth interrogatory deponent answers, that he had no convoy; he had instructions only from a person who gave him three letters in Havana to throw the letters overboard if he was boarded by any United States vessel.

41st interrogate. To the forty-first interrogatory deponent answers, that she came out from Apalachicola in February, but the pass that she came out of was not blockaded at the time.

48 42nd interrogate. To the forty-second interrogatory deponent answers, that she has not had any commission or letters of the kind.

43rd interrogate. To the forty-third interrogatory deponent answers, that he has not so acted. WM. MARR.

Deposition of Robert Johnston, before George D. Allen, prize-commissioner at Key West, March 24th, 1862.

1st interrogate. To the first interrogatory deponent answers, that he was born in England, to the best of his knowledge and belief, and was brought when an infant to the United States. He has sailed in American vessels principally since he was fourteen years old. He don't know whether he is a subject of the Queen of Great Britain, or a citizen of the United States. He has commanded American vessels; is married; wife and family live in State of New York; have lived there twelve years.

2nd interrogate. To the second interrogatory deponent answers, that he was present at the time of capture.

3rd interrogate. To the third interrogatory deponent answers, that the capture was on or about the 10th day of March instant, in

49 lat. 27° 43′ N., long. 84° 40′ W., to the best of his knowledge and belief. She was taken to Key West. She had no commission or letters of the kind. He did not hear the captors give any reason for the seizure.

4th interrogate. To the fourth interrogatory deponent answers, that the said vessel sailed under the English colors. She had an American ensign. He don't know why she had the American ensign.

5th interrogate. To the fifth interrogatory deponent answers, that no resistance was made to the capture. One gun was fired from the J. L. Davis. She was taken by a vessel showing the American colors, armed with four guns; was told that her name was the James L. Davis. He don't know whether she was a ship-of-war or a priva-

teer. The vessel captured is a merchant vessel; no other vessel in sight at the time of capture.

6th interrogate. To the sixth interrogatory deponent answers, that she was taken by a vessel which he was told was called the James L. Davis. He don't know what commission the James L. Davis had. He don't know as the vessel captured has been condemned.

7th interrogate. To the seventh interrogatory deponent answers, that the said vessel is called the Floride; William Marr was master. He don't know who appointed him to the command. He has known the vessel about three months; he has known the master about the same length of time. He took possession of her at Apalachicola
50 about the first of February last. He don't know who delivered her to him. The master formerly lived at Apalachicola, Florida. He don't know whether he is married or not; but he has a family at Apalachicola, Florida. He has heard the master say that he was born in Scotland; he don't know what country or State he is a subject or citizen of.

8th interrogate. To the eighth interrogatory deponent answers, that the Floride is eighty-one tons burthen, as he believes. She had eight, all told, belonging to the vessel; all on board when she was seized; three he believes are Germans; two Americans, or English; one Irish. All but one man joined the vessel in Apalachicola. He was hired by the master in February. He don't know who hired the others. Mr. Redgate joined the vessel in Havana.

9th interrogate. To the ninth interrogatory deponent answers, that he belonged to the vessel; was mate. He had no interest in the vessel or cargo. He had some dry goods, and shoes, and charts, books, and nautical instruments on board, in value about two hundred dollars. Mr. Redgate had ten sacks of coffee on board and one trunk. The captain and all of the crew had more or less articles on board.

10th interrogate. To the tenth interrogatory deponent answers, that he has known the vessel about three months. First saw her in Apalachicola about three months ago. She had no guns. She had eight men on board of her. He thinks she was an American-built vessel. She was called the Floride. She has been called by
51 that name some four or five weeks. She was previously called the Phœnix.

11th interrogate. To the eleventh interrogatory deponent answers, that she was bound to Matamoras. The voyage began in Havana; the voyage would have ended in some port of discharge in the West Indies. She had coffee, soap, gin, dry goods, and potash on board, which was taken on board at Havana, and the same on board when she was seized. The cargo was put on board in March instant; she had no contraband or prohibited articles on board, to his knowledge.

12th interrogate To the twelfth interrogatory deponent answers, that he never examined her register; he believes it was issued in Havana, some time in February last, by the English consul. She sailed from Apalachicola to Havana. The voyage on which she was taken began at Havana, and would have ended at some port of discharge in the West Indies. She carried cotton from Apalachicola to Havana; the cotton was delivered at Havana. She took coffee, soap,

gin, dry goods, potash on board at Havana. She sailed from Havana on or about the 8th day of March instant.

13th interrogate. To the thirteenth interrogatory deponent answers, that he took 250 sacks of coffee, 192 boxes soap, 100 boxes gin, 43 packages of dry goods and merchandize, or thereabouts, on board in the month of March instant, all of which was on board when she was seized.

14th interrogate. To the fourteenth interrogatory deponent answers, that he don't know who owned the vessel or the cargo on board.

52 15th interrogate. To the fifteenth interrogatory deponent answers, that he does not know of any bill of sale or agreement for the vessel.

16th interrogate. To the sixteenth interrogatory deponent answers, that the cargo was put on board in Havana, in March the present year. He don't know who shipped the cargo; he don't know to whom the cargo was consigned; he don't know on whose account, risk, or benefit, or who the owners of the cargo were. To the best of his knowledge and belief the cargo was to be delivered at Matamoras. The articles are as before stated.

17th interrogate. To the seventeenth interrogatory deponent answers, that he don't know how many bills of lading were signed, nor anything about them.

18th interrogate. To the eighteenth interrogatory deponent answers, that he had no papers of the kind; he don't know what papers the captain had on board.

19th interrogate. To the nineteenth interrogatory deponent answers, that she was taken in lat. 27° 43′ N., and 84° 40′ W., on or about the 10th day of March instant. She was about 65 or 70 miles westerly of Tampa; she was taken about mid-day. The master told him that there was a charter-party; he don't know the contents.

20th interrogate. To the twentieth interrogatory deponent answers, that he don't know what papers she had on board. No papers thrown overboard or destroyed or concealed in any manner, that he knows of.

53 21st interrogate. To the twenty-first interrogatory deponent answers, that he had heard of some vessel lying off Apalachicola before coming out from that port, in February last, but did not see any vessel in coming out.

22d interrogate. To the twenty-second interrogatory deponent answers, that he had read in newspapers that the United States government had ordered a blockade of the southern ports. He don't know that any notice had been written on the vessel's papers, or given to the master or owner of the Floride.

23d interrogate. To the twenty-third interrogatory deponent answers, that he don't know.

24th interrogate. To the twenty-fourth interrogatory deponent answers, not to his knowledge.

25th interrogate. To the twenty-fifth interrogatory deponent answers, not that he knows of.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that he loses his employ, and perhaps the articles which he

had on board; he has not received any indemnity or satisfaction or promise of satisfaction for this loss.

27th interrogate. To the twenty-seventh interrogatory deponent answers, that he don't know

28th interrogate. To the twenty-eighth interrogatory deponent answers, that he don't know.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that he don't know.

30th interrogate. To the thirtieth interrogatory deponent answers, that the cargo was taken on board from lighters in Havana, in March instant.

31st interrogate. To the thirty-first interrogatory deponent answers, that he don't know of any such papers.

54 32d interrogate. To the thirty-second interrogatory deponent answers, that the officer who came on board at the time of capture took a package of papers from the master; he don't know what has become of them.

33d interrogate. To the thirty third interrogatory deponent answers, that bulk was not broken previous to capture.

34th interrogate. To the thirty-fourth interrogatory deponent answers, that there were no passengers on board; no soldiers on board; no one secreted on board. He believes that all of the crew, except Mr. Redgate and himself, reside in or about Apalachicola, Florida; he don't know where Mr. Redgate resides.

35th interrogate. To the thirty-fifth interrogatory deponent answers, that he knows nothing about the papers of the vessel or cargo. He don't know of any one having any passport or letters of safe conduct on board; he don't know where any letters or papers of the kind are. He has only signed receipts for the cargo as it came on board.

36th interrogate. To the thirty-sixth interrogatory deponent answers, that she was steering north by west, on the morning when he discovered the bark James L. Davis; the course was towards the Florida coast. The wind was about southeast. He had seen one or two vessels on the passage; he don't know what they were. The Floride kept on the course, north by west, till 12 o'clock; she then changed to west; she had gotten further to the northward of a

55 straight course from Havana to Matamoras than he expected. She changed her course at 12 o'clock, because she was far enough to the northward.

37th interrogate. To the thirty-seventh interrogatory deponent answers, that he only knows the Captain stated when in Havana that the vessel had been sold He don't know to whom, nor for what sum, or anything about the sale.

38th interrogate. To the thirty-eighth interrogatory deponent answers, that she had no guns mounted on board; there were three revolvers on board belonging to Captain Marr, Mr. Redgate, and himself; no other munitions of war or arms on board.

39th interrogate. To the thirty-ninth interrogatory, deponent answers, that he believes an Englishman owns the vessel, and a Spaniard the cargo; he don't know their names; and that she was going to Matamoras.

40th interrogate. To the fortieth interrogatory deponent answers, that she had no convoy; he don't know of any instructions of the kind.

41st interrogate. To the forty first interrogatory, deponent answers, that she came out from Apalachicola in February last; went to Havana; from Havana she sailed for Matamoras.

42nd interrogate. To the forty-second interrogatory deponent answers, that she has not had any commission or letters of the kind that he knows of.

43rd interrogate. To the forty-third interrogatory deponent answers, not that he knows of. ROB'T JOHNSON.

56 *Deposition of August Pratt, before George D. Allen, prize commissioner, at Key West, March 24th*, 1862.

1st interrogate. To the first interrogatory deponent answers, that he was born in Prussia; he now lives in Apalachicola; he is a citizen of Florida; has been naturalized as a citizen of the United States; he does not know to what country or State he owes allegiance; he is married; wife and family live in Apalachicola, State of Florida.

2nd interrogate. To the second interrogatory deponent answers, that he was on board the sch'r Floride when she was taken.

3rd interrogate. To the third interrogatory deponent answers, that she was captured at sea, about two weeks since. He don't know where she was taken to. He don't know as she had any commission; he don't know why she was seized.

4th interrogate. To the fourth interrogatory deponent answers, that she sailed under the English colors; she had the American flag on board; he don't know why she had the American flag on board.

5th interrogate. To the fifth interrogatory deponent answers, that no resistance was made to the seizure; one gun was fired by the bark which took the Floride; she was taken by a bark; he don't know her name. No other vessel in sight. The Floride is a merchant vessel. The vessel which took the Floride was a bark armed with four guns, sailing under the American flag.

57 6th interrogate. To the sixth interrogatory deponent answers, that the vessel which made the capture was a bark; he don't know what commission she had; he don't know as the Floride has been condemned.

7th interrogate. To the seventh interrogatory deponent answers, that her name is the Floride; Bill Marr was master; he has known the said vessel about two years, and Capt. Marr about four years; he took charge of the vessel about two months ago in Apalachicola; he don't know who appointed him to the command, nor who delivered the vessel to him. Capt Marr lives in Apalachicola; he don't know how long he has lived there; he don't know where he was born, nor what country he is a citizen of. Capt. Marr has a family at Apalachicola.

8th interrogate. To the eighth interrogatory deponent answers, that he don't know the tonnage of the Floride; she had eight all told; master and crew, on board; he don't know what countrymen they are; all but one came on board the vessel in Apalachicola; he was hired by Capt. Marr. The second mate came on board the vessel in Havana.

9th interrogate. To the ninth interrogatory deponent answers,

that he belonged to the vessel; was cook; he has no interest in the vessel or cargo; he has some few things on board, 1 box soap, about 40 lbs. coffee, some shoes and some cloth, for which he paid about fifty to sixty dollars in Havana; others of the crew have things on board.

10th interrogate. To the tenth interrogatory deponent answers, that he has known the vessel about two years; first saw her in New Orleans; she had eight men on board of her when she was taken.

58 He don't know where she was built. She is called the Floride; she has been called the Floride about five weeks; she was called the Phœnix before she went to Havana.

11th interrogate. To the eleventh interrogatory deponent answers, that he only knows that he signed English articles in Havana to go to Matamoras. The voyage began at Havana, bound to Matamoras. She had some coffee, boxes of soap, and he don't know what other articles she had on board, which was taken on board at Havana, about the last of February or first of March. He don't know as she had any contraband articles on board.

12th interrogate. To the twelfth interrogatory deponent answers, that he don't know what papers the Floride had. She sailed from Apalachicola to Havana in February last. The voyage on which she was taken began at Havana, and would have ended at Matamoras. She carried cotton from Apalachicola to Havana; from Havana she took coffee, soap, and some other articles which were on board when she was taken. She sailed from Havana two weeks ago Saturday.

13th interrogate. To the thirteenth interrogatory deponent answers, that she had coffee, soap, and some other articles on board, which were taken on board at Havana, about the last of February or the first of March. He don't know how much she had of each article on board.

59 14th interrogate. To the fourteenth interrogatory deponent answers, that he don't know.

15th interrogate. To the fifteenth interrogatory deponent answers, that he don't know.

16th interrogate. To the sixteenth interrogatory deponent answers, that the cargo, consisting of soap, coffee, and some other articles, was put on board in Havana, in February or March, and further he don't know.

17th interrogate. To the seventeenth interrogatory deponent answers, that he don't know.

18th interrogate. To the eighteenth interrogatory deponent answers, that he don't know what papers were on board.

19th interrogate. To the nineteenth interrogatory deponent answers, that she was taken about dinner time, two weeks ago; he don't know where she was.

20th interrogate. To the twentieth interrogatory deponent answers, that he don't know what papers were on board; he did not see any papers.

21st interrogate. To the twenty-first interrogatory deponent answers, that he did not know about any blockade; he don't know whether the master or owner knew about any.

22nd interrogate. To the twenty-second interrogatory deponent answers, that he don't know.

23rd interrogate. To the twenty-third interrogatory deponent answers, that he don't know.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that he don't know.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that he don't know.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that he has not sustained any loss but wages and a few things he has on board; he has not received any satisfaction or promise for the loss.

60 27th interrogate. To the twenty-seventh interrogatory deponent answers, that he don't know.

28th interrogate. To the twenty-eighth interrogatory deponent answers, that he don't know.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that he don't know.

30th interrogate. To the thirtieth interrogatory deponent answers, that the cargo came on board by lighters in Havana.

31st interrogate. To the thirty-first interrogatory deponent answers, that he don't know.

32d interrogate. To the thirty-second interrogatory deponent answers, that he don't know.

33rd interrogate. To the thirty-third interrogatory deponent answers, that bulk was not broken before the capture.

34th interrogate. To the thirty-fourth interrogatory deponent answers, that there were no passengers on board; no soldiers on board; no one hid away on board. The captain, himself, and two of the crew live at Apalachicola, and have families there.

35th interrogate. To the thirty-fifth interrogatory deponent answers, that he don't know anything about the papers relating to the vessel or cargo, nor what papers were on board; he has not written or signed any papers relating to either vessel or cargo except the shipping articles.

36th interrogate. To the thirty-sixth interrogatory deponent answers, that he dont know how she was steering.

61 37th interrogate. To the thirty-seventh interrogatory deponent answers that he don't know.

38th interrogate. To the thirty-eighth interrogatory deponent answers, that she had no guns mounted on board; he don't know what articles she had in the cargo except coffee and soap.

39th interrogate. To the thirty-ninth interrogatory deponent answers, that he don't know who owned the vessel or cargo; he shipped to go to Matamoras.

40th interrogate. To the fortieth interrogatory deponent answers, she had no convoy; he don't know what instructions the captain had.

41st interrogate. To the forty-first interrogatory deponent answers, that he don't know.

42nd interrogate. To the forty-second interrogatory deponent answers, that he don't know.

43rd interrogate. To the forty-third interrogatory deponent answers, that he don't know.

AUGUST PRATT.

Deposition of Henry C. Coburn, before George D. Allen, prize commissioner, at Key West, March 25th, 1862.

1st interrogate. To the first interrogatory deponent answers, that he was born in the State of New Hampshire; he now lives at Apalachicola, State of Florida; has made his home at Apalachicola
62 the last fourteen years; considers himself a citizen of the State of Florida; is married; wife and family live at Apalachicola.

2nd interrogate. To the second interrogatory deponent answers, that he was present at the time of capture.

3rd interrogate. To the third interrogatory deponent answers, that she was taken on or about the 10th day of March instant; he was told that she was about one hundred and thirty miles from Cape St. George; she was taken to Key West; he did not know that the Floride had any commission of letters of the kind; he heard that she was captured because she was so close to the land.

4th interrogate. To the fourth interrogatory deponent answers, that she sailed under the English colors; she had no other colors on board that he knew of.

5th interrogate. To the fifth interrogatory deponent answers, that no resistance was made to the seizure; one gun was fired by the vessel which made the capture; she was taken by the United States armed bark James L. Davis, of four guns; the Floride is a merchant vessel; no other vessel in sight.

6th interrogate. To the sixth interrogatory deponent answers, that the James L. Davis made the capture; he don't know what commission she had; the Floride has not been condemned as he knows.

7th interrogate. To the seventeenth interrogatory deponent answers, that the name of the vessel is the Floride; William Marr was master; he don't know who put him in command; he has
63 known the said vessel some four or five years, and Capt. Marr some five or six; he was in possession when deponent went on board at Apalachicola, in January last; he don't know who delivered her to him. Capt. Marr lives at Apalachicola; is married; wife and family live there; he has live there for the last six years; he thinks Capt. Marr is a citizen of Florida; he has heard him say that he was born in Scotland.

8th interrogate. To the eighth interrogatory deponent answers, that he don't know the tonnage of the Floride; she had eight, all told, belonging to the vessel; all on board when she was taken; some Dutch, one Irish; himself is American; all but one came on board the vessel in Apalachicola, about the last of January of the present year; he was hired by the master; one man came on board in Havana.

9th interrogate. To the ninth interrogatory deponent answers, that he belonged to the vessel; was a seamen; he had no interest in the vessel or cargo that was shipped on bills of lading; he had a few articles for his own use; about 40 lbs. coffee, 1 box soap, 4 strings of garlic, 1 Panama hat; in value about $15 00; most of the crew had articles on board.

10th interrogate. To the tenth interrogatory deponent answers, that he has known said vessel about four or five years; first saw her at Apalachicola; she had no guns; she was an American built vessel; her name is the Floride; she has been called by that name about four weeks; she has been called the Phœnix; he has heard that she was formerly called the S. & T Parsons.

64 11th interrogate. To the eleventh interrogatory deponent answers, that she was bound to Matamoras; the voyage began at Havana and would have ended at Matamoras; she had coffee, soap, cases of gin, and boxes of merchandize, taken on board at Havanna, and the same on board when she was seized; the cargo was put on board at Havana, in March instant; she had no contraband or prohibited goods on board, that he knew of.

12th interrogate. To the twelfth interrogatory deponent answers, that he never saw her register; she sailed from Apalachicola to Havana; she sailed from Havana about the 7th of March instant; she carried cotton from Apalachicola to Havana, and took on board coffee, boxes of soap, gin, and boxes of merchandize.

13th interrogate. To the thirteenth interrogatory deponent answers, that she had about 250 sacks of coffee, boxes of soap, cases of gin and boxes, which were put on board in March at Havana.

14th interrogate. To the fourteenth interrogatory deponent answers, that he don't know.

15th interrogate. To the fifteenth interrogatory deponent answers, that he don't know.

16th interrogate. To the sixteenth interrogatory deponent answers, that he don't know who shipped the cargo; nor on whose account, risk or benefit, it was put on board; it was shipped at Havanna; he don't know to whom it was consigned.

17th interrogate. To the seventeenth interrogatory deponent answers, that he don't know.

65 18th interrogate. To the eighteenth interrogatory deponent answers, that he don't know what papers were on board.

19th interrogate. To the nineteenth interrogatory deponent answers, that he don't know her lat. or long.; she was taken between 12 and 1 o'clock, on or about the 10th day of March, instant, about one hundred and thirty or forty miles from cape St. George's, as he heard say on board; he don't know as there was any charter-party.

20th interrogate. To the twentieth interrogatory deponent answers, that he don't know what papers there were on board; none destroyed in any manner.

21st interrogate. To the twenty-first interrogatory deponent answers, that he heard about some vessels blockading or were about to blockade Apalachicola, before leaving that port.

22nd interrogate. To the twenty-second interrogatory deponent answers, he believes the United States government had ordered a blockade of the southern ports; he don't know about any notice having been given the master or owner, or written on the vessel's papers about the blockade.

23rd interrogate. To the twenty-third interrogatory deponent answers, that he don't know.

24th interrogate. To the twenty-fourth interrogatory deponent answers, that he don't know.

25th interrogate. To the twenty-fifth interrogatory deponent answers, that he don't know.

26th interrogate. To the twenty-sixth interrogatory deponent answers, that he would lose his time and perhaps the articles on board which he has for his own use; he has not received any indemnity or satisfaction, or promise thereof for this loss.

66 27th interrogate. To the twenty-seventh interrogatory deponent answers, that he don't know.

28th interrogate. To the twenty-eight interrogatory deponent answers, that he don't know.

29th interrogate. To the twenty-ninth interrogatory deponent answers, that he don't know.

30th interrogate. To the thirtieth interrogatory deponent answers, that the cargo came on board from lighters from the shore in Havana.

31st interrogate. To the thirty-first interrogatory deponent answers, that he don't know.

32nd interrogate. To the thirty-eighth interrogatory deponent answers, that the officer of the James L. Davis took some papers from the vessel; he don't know where they now are.

33rd interrogate. To the thirty-third interrogatory deponent answers, that bulk was not broken before capture.

34th interrogate. To the thirty-fourth interrogatory deponent answers, that there were no passengers on board; no one secreted on board; no soldier on board; the master, himself, and three others of the crew live at Apalachicola, in the State of Florida.

35th interrogate. To the thirty-fifth interrogatory deponent answers, that he has not written or signed any letters or papers about the vessel or cargo. He don't know anything about the papers relating to the vessel or cargo.

36th interrogate. To the thirty-sixth interrogatory deponent answers, that he first saw the the bark James L. Davis between 10 and 11 o'clock the morning before the Floride was captured. The Floride was then steering to the northward and westward; the wind

67 was southard and eastward; she changed her course at 12 o'clock to west by north; the course was changed because the captain thought that he had got far enough to the north. He did not see any other United States vessel after leaving Havana.

37th interrogate. To the thirty-seventh interrogatory deponent answers, that he don't know.

38th interrogate. To the thirty-eighth interrogatory deponent answers, that she had no guns mounted on board; no arms or amunition on board. He did not know of any of the articles enquired about on board.

39th interrogate. To the thirty-ninth interrogatory deponent answers, that he don't know who owns the vessel or cargo. She was bound to Matamoras.

40th interrogate. To the fortieth interrogatory deponent answers, that she had no convoy. He don't know what instructions the captain had.

41st interrogate. To the forty-first interrogatory deponent answers,

that she came out from Apalachicola in February last. She went to Havana.

42d interrogate. To the forty-second interrogatory deponent answers, not that he knew of.

43d interrogate. To the forty-third interrogatory deponent answers, not that he knew of.

H. C. COBURN.

68

69 *Declaration of ownership.*

Name of ship.	British or foreign built.	Provisional port of registry.	How propelled.
Floride.	Foreign.	Havana.	By sails.
Number of decks.	Rigging.	Build.	Head.
One.	Schooner.	Carvel.	Billet.
Number of masts.	Stern.	Gallery.	Framework.
Two.	Square.	None.	Wood.

Measurements.

	Feet, tenths.
Length from the forepart of stem under the browsprit to the aft-side of the head of the sternpost	77.3
Main breadth to outside of plank	24.4
Depth in hold from tonnage deck to ceiling, at midships	6.2

Tonnage.

	No. of tons.
Tonnage under tonnage deck	81
Closed in spaces, above do., viz:	
Space or spaces between decks	—
Poop	—
(American measurement,) total	81

I, the undersigned, Charles W. Dexter, presently residing at Havana, declare as follows:

I am a natural born British subject, born at Newcastle-upon-Tyne, England, and have never taken the oath of allegiance to any foreign state. The ship the description of which is prefixed to this my declaration was built at Pensacola, in the year 1852, and her foreign name is Phœnix. William Marr is the master of the said ship.

70 I am entitled to be registered as sole owner of said ship. To the best of my knowledge and belief, no person or body of persons other than such persons or bodies of persons as are by the Merchants' Shipping Act, 1854, qualified to be owners of British ships, is entitled as owner to any interest whatever, either legal or beneficial, in the said ship, and I make this solemn declaration conscientiously believing the same to be true.

Dated at Havana the eighteenth day of February, 1862.

CHAS. W. DEXTER.

Made and subscribed by the above-named Charles W. Dexter, in the presence of me.

[SEAL.]

JOS. T. CRAWFORD,
Consul General in Cuba.

71 *Provisional certificate of registry.*

No. 36.]

HAVANA, 18*th February*, 1862.

Name of ship.	British or foreign built.	Provisional port of registry.	How propelled.
Floride.	Foreign.	Havana.	By sails.
Number of decks.	Rigging.	Build.	Head.
One.	Schooner.	Carvel.	Billet.
Number of masts.	Stern.	Gallery.	Framework.
Two.	Square.	None.	Wood.

Measurements.

	Feet.	Tenths.
Length from the forepart of stern under the bowsprit to the aft side of the head of the sternpost	77	3
Main breadth to outside of plank	24	4
Depth in hold from tonnage deck to ceiling at midships	6	2

Tonnage.

	No. of tons.
Tonnage under tonnage deck	81
Closed-in spaces above do., viz: Space or spaces between decks	...
Poop	...
(American measurement.)—Total	81

I, the undersigned, Joseph Tucker Crawford, esquire, C. B., her Britannic Majesty's consul general in Cuba, &c., hereby certify that the ship, the description of which is prefixed to this my certificate, has been duly surveyed, and that the above description is true.

William Marr, of ———, is the master of the said ship.

72 The said ship was built at Pensacola in 1852, and her foreign name is Phœnix.

The person whose name is hereunto written is owner of the said ship.

Name of the owner within mentioned.	No. of sixty-fourth shares.
Charles W. Dexter, British subject, presently residing at Havana.	Sixty-four.

Dated at Havana the 18th day of February, 1862.

[L. S.] JOS. T. CRAWFORD,
Consul General in Cuba.

NOTE.—This provisional certificate of registry continues in force only until the 18th day of August, 1862, or until she completes her voyage from Havana to some port at which there is a British registrar, whichever first happens.

73 *Agreement for foreign-going ship.—(Sanctioned by the Board of Trade in pursuance of* 13 *and* 14 *Vic., C.* 93, *S.* 46.)

Name of ship.	Port of registry.	Date of registry.	Burden.	Name of master.	Date and place of first signature of agreement.
"Floride".....	Prov'l Havana.	18th February, 1862.	81 tons.	William Marr...	Havana, 1st March, 1862.

The several persons whose names are hereunto subscribed hereby agree to serve on board the said ship in the several capacities expressed against their respective names, on a voyage from this port of Havana to Matamoras, and from thence to a port or ports of discharge in the West Indies or North America. And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times dilligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and their superior officers, in everything relating to the said ship and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services to be duly performed, the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to provide them with provisions according to the customary scale. And it is hereby agreed that any embezzlement or wilful destruction of any part of the ship's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he is incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the master or officer in charge of
74 the ship in a quiet and orderly manner, who shall thereupon take such steps the case shall require. In witness whereof, the said parties have subscribed their names hereto on the days against their respective signatures mentioned. Signed by William Marr, master, on the 1st day of March, 1862.

Signatures of crew.	Age.	Where born.	Ship in which last served.	Place and time of entry.	Capacity.	Time to be on board.	Amount of wages per month.	Amount advanced on duty.
Robt. Johnston	33	Liverpool.	.....	Havana, 1st Mch., 1862.	Mate	Immediate.	$45 00	$45 00
George Redgate.....	39	Ireland...	.....	..... do.....	2d mate..	.... do....	30 00	30 00
Frederick Haffener ...	27	Hamburg.	.....	..... do.....	Cook ..	.... do....	30 00	30 00
Henry Cobern	35	Canada ..	.....	..... do.....	A. B. ..	.... do....	20 00	20 00
Charles D. Lander....	22	Liverpool.	.....	..... do.....	A. B....	.... do....	20 00	20 00
August Pratt.....	40	Collroy ..	.....	..... do.....	A. B....	.... do....	20 00	20 00
Isaac Schwarz	23	Germany.	.....	..... do.....	A. B....	.... do....	20 00	10 00

[L. S.]

75 Shipped in good order and well conditioned by Ch. Penot, in and upon the good English schooner called the Floride, whereof ——— is master, for this present voyage, and now lying in the port of Havana, and bound for Matamoras :

To say, 250 bags coffee.
192 boxes soap.
1 case socks.
11 cases thread and spool cotton.
1 case thread and Indian silk cloth.
3 casks soda ash.
14 cases linen cotton stuffs.
3 boxes paper.
2 cases calfskins.

Being marked and numbered as in the margin, and to be delivered in the like good order and condition, at the aforesaid port of Matamoras—all and every the dangers and accidents of seas and navigation of whatever nature or kind excepted—unto Francisco Amendais, or to ———, assigns, he or they paying freight for the said goods, as per charter-party, with ———, primage and average accustomed.

In witness whereof, the master or purser of the said vessel has affirmed to three bills of lading, all of this tenor and date, one of which being accomplished, the others to stand void.

Dated in Havana, the 6th March, 1862.

Weight and contents unknown.

WM. MARR.

76 *Charter-party.—Hamel & Co., Havana.*

It is this day understood and agreed upon, between W. Marr, in behalf of the owners of the British schooner Floride, of 81 tons, whereof the same is master, now lying in Havana, on the first part, and Mr. Chs. Penot, merchants, on the second part, as follows: That the said vessel being tight, staunch, strong, and in every respect fitted for the intended voyage, Captain Man shall receive on board said vessel a full and complete cargo, to consist of lawful merchandize under and on deck, which shall not exceed what she can reasonably stow and carry over and above her tackle, apparel, provisions, and room sufficient for the accommodation of the officers and crew, and which cargo the said parties of the second part hereby agree to furnish at Havana. The said vessel being so laden, Captain Marr shall, with all possible despatch, make sail for the port of Matamoras, Mexico, to trade from Havana to Matamoras and back to Havana, for a term of six months, or so near thereunto as she may safely get, and on his arrival at the port of discharge, make a true and faithful delivery of the cargo according to custom and the bills of lading.

In consideration whereof, freight shall be paid, on unloading and right delivery of the cargo, at the rate of four hundred dollars per month, and all the port charges and lighterage, consul fees, etc., to be paid by the charters.

77 The lay days shall be as follows: after the expiration of the said six months demurrage shall be paid at the rate of twenty dollars for each and every day as it may become due.

The cargo shall be delivered alongside of the vessel at the expense of the shippers, and discharged according to custom at port of discharge.

The vessel shall be consigned, at Havana and Matamoras, to the order of the said merchants, paying usual commission.

It is further understood and agreed upon that the captain shall sign all bills of lading without prejudice to this charter-party.

It is further agreed and understood that neither the charterers or captain or crew can carry or ship in said vessel, during the duration of this charter, any goods or articles that can be considered contraband of war.

And for the due performance of the several articles of this agreement, the respective parties do hereby bind themselves each unto the other in the penal sum of half amount of freight—restraint of rulers, the acts of good, fire, and all every of the dangers of the seas, rivers, and navigation, of whatever nature and kind, always excepted.

In testimony whereof, the respective parties have hereunto set their hands, in at Havana, this 6 day of March, in the year one thousand eight hundred and sixty-two.

WM. MARR.

Witness to the signature—
CH. PENOT.

78 HAVANA, *the* 6 *March*, 1862.

DEAR SIR: We confirm our last respects of 26th Feb'y, copy of which we enclosed. We cleared the Phœnix to-day, (now British schooner Florida) and have made you a pretty return cargo, which, wherever the vessel arrives safe, will leave a handsome profit. Cap. Marr has the samples.

We could not sell the 66 bales cotton, on account of their being slightly damaged, and shall therefore ship them to Europe. We shall advise you by our next to which house consign the cotton.

The Cora has not yet arrived. We hope soon to hear from you, and remain yours, truly,

HAMEL.

THOS. L. MITCHELL, Esqr., *Apalachicola.*

Please accept a small cask of sherry from our senior, to be drank in honor of the good cause. YH.

79 *Invoice of sundries shipped by Ch. Penot on board the English schooner Floride, bound to Matamoras, to the consignment of Francisco Armendais.*

150 bags coffee, 24,300 lbs., *a* 17 *c*...	$4,131 00	
lighterage, 9¾ pr. bag.....	14 61	
shipping expenses, receiving, 9¾	14 61	
duty $4 fr. ggt. and 5 per cent...	48 60	
		$4,208 82

	100 bags coffee, 19,318 lbs., 17½*c*...	$3,380 65		
	lighterage, 9¾*c*. pr. bag.....	9 75		
	shipping expenses, receiving, 9¾*c*.....	9 75		
	duty, $4 pr. ggt. and 50 per cent	38 60		
			$3,438	75
	192 boxes soap, 11,520 lbs., *a* 7¼ *c*...	835 20		
	cartage, 5 *c*. per box.....	9 60		
	workmen.....	5 00		
			849	80
	1 case socks :			
	100 dozens white socks, *a* 21 rls.	262 50		
	47 dozens white socks, 26½, *a* 16 rls.....	94 00		
	38 dozens white socks, 43, $1 75	66 50		
			423	00
	1 case Irish, 51 lbs., black thread, 81 *c*. ¼.....		41	44
C.B. 20/20	2 cases calfskin, 12 dozens each, $30¾.....		369	00
7/8	2 bales prints, 54 pieces, *a* 3.75.....		202	50
	3 cases spool cotton, 300 dozens, 200 yards, 45*c*.		135	00
	6 cases spool cotton, 600 dozens, 500 yards, 93*c*.....		55	800
	1 case containing 50 reams paper, $2¼.....		112	50
83	106 varas gum elastic silk cloth, $1		106	00
86	74 varas gum elastic silk cloth, $1¼		92	50
92	67¾ varas gum elastic silk cloth, $1½.....		101	63
	1 cask soda ash, 617 lbs., *a* $5½.....		33	94
169/170	2 cases, cont'g 480 packages thread, No. 40, 4½*c*		270	00
80	1 case containing :			
	3 dozens spring skirts, small size, *a* $15.....		45	00
	6½ dozen spring skirts, large size, $24.....		156	00
	11½ dozen spring skirts, resorte, $26.....		299	00
2399	1 box containing :			
	22 pieces lin. drill., blue, 1,173½ yards, 30 *p m*.....	352 05		
	43 dozens women stockings, No. 600, $3.	129 00		
			481	05
	1 oox, 30 pieces, brown lin. drill., 1,448½ yards, 22*c*		318	67
2392	1 box, 30 pieces, blue stripe, Union drill., 1,521 yards, 16*c*.		243	36
1641	1 box, 50 pieces, printed linen lawns, 806 yards, 30*c*		241	80
1671	1 box, 50 dozens, lin. huckabuck towels, $3..		150	00
1670	1 box, 100 pieces, lin. mosquito netting, 8 rls.		100	00
1673	1 box, 120 pieces, checked netting, 9 rls.....		135	00
260	1 box, 24 pieces, linen drill., 1,181 yards, 35*c*.		413	35

11 † 120 4 boxes calicos:

	1c 23 pieces,	1,183 1/10	
	1c 23 "	1,182	
	1c 23 "	1,188 3/10	
	1c 22 "	1,129	
	91 "	4683 in 10 3/10 = 5,200 yards, 15c	$780 45
2 casks soda ash, 3,575, *a* 5½*c*.			196 62
4 boxes with 100 reams paper, $1¼			175 00
			14,678 19
Lighterage on the whole, not charged yet		$27 25	
Cartage on the whole, including 150 bags coffee		19 80	
			47 05
			14,725 24
Commission 2½ per cent			368 13
			15,093 37

Havana, the 6 March, 1862.

HAMEL & YTZ.

81 *Manifesto general de las mercancias que con destino al puerto de Matamoras de la republica Mejicana, conduce el Capitan Marr, que suscribe ciudadano de Inglaterra en el buque Ingles Floride de porte de ———, consignado a Sr. Dn. Francisco Armendais establecido en referido puerto.*

Marcos y contramarcos.	Numeros.	Bultos.	Clase de los bultos.	Clase de las mercancias.	Peso bruto de cada bulto.	Remitentes.	Consignatarios.
		250 (dos cientos cincuenta.)	Sacos.	Cafe	43,618 lbs. (cuarenta y tres mil seiscientos diez y ocho libras en junto.)	Ch. Penot.	Francisco Armendais.
		192 (cienta noventa y dos.)	Cajas..	Jabon	11,500 lbs. (onze mil quinientos libras en junto.)	"	"
		2 (dos)	Cajas..	Becerro ...	200 lbs. (dos cientos libras en junto.)	"	"
		1 (una).....	Cajas..	Medias	150 lbs. (cientos cincuenta libras en junto.)	"	"
		11 (onze).....	Cajas..	Hilo.....	1,200 lbs. (mil dos cientos libras en junto.)	"	"
		3 (tres)	Cajas..	Papel.....	600 lbs. (seiscientos libras en junto.)	"	"
		3 (tres)	Cascos.	Potaza	4,200 (cuatra mil dos cientos libras en junto.)	"	"
		14 (cantorze)	Cajas..	Varias mercancias.	3,400 lbs. (tres mil cuatro cientos libras en junto.)	"	"
		1 (una)	Cajas..	Elastico....	300 lbs. (tres cientos libras en junto.)	"	"
		477 bultos.					

NOTA.—Juro no llevar otras efectos que las manifestados en este y que voy con la intencion que comerciar e gaimente con los puertos de la republica Mexicana.

WM. MARR.

HABANA, *Marzo 6th*, 1862.

82 TRANSLATION.

General manifest of the merchandise consigned to the port of Matamoras, in the republic of Mexico, carried by Capt. Marr, who subscribes himself a citizen of England, in the English vessel Floride, of the burthen ———, consigned to Francisco Armendais, residing in the aforesaid port.

Marks and counter marks.	Numbers.	Packages.	Class of packages.	Class of merchandise.	Gross weight of do.	Consignors.	Consignees.
		250 (two hundred and fifty.)	Sacks..	Coffee ...	43,618 lbs. (forty-three thousand six hundred and eighteen pounds.)	Ch. Penot	Francis Armendais.
		192 (one hundred and ninety-two.)	Boxes.	Soap.....	11,500 (eleven thousand five hundred pounds.)	"	"
		2 (two)	Boxes.	Calfskins.	200 (two hundred pounds.)...	"	"
		1 (one).....	Box ...	Socks ...	150 (one hundred and fifty pounds.)	"	"
		11 (eleven)	Boxes.	Linen....	1,200 (twelve hundred pounds)	"	"
		3 (three)	Boxes.	Paper	600 (six hundred pounds) ...	"	"
		3 (three)	Casks..	Soda ash.	4,200 (four thousand two hundred pounds.)	"	"
		14 (fourteen).....	Boxes.	Assorted m'd'se.	3,400 (three thousand four hundred pounds.)	"	"
		1 (one)	Box ...	Elastics..	300 (three hundred pounds)..	"	"
		477 packages.					

I solemnly swear that there are no other goods than those manifested in this, and that I am going with the intention of legal commerce with the ports of the republic of Mexico.

WM. MARR.

HAVANA, *Mar. 6th*, 1862.

83 [SEAL.] [STAMP.]

Valga para el sello de ilustres y bienio de 1862 y 1863, sesenta y cuatra reales.

ARMILDEZ DE TOLEDO.

D. Mariano de Adriaenseus, intendente de provincia y secretario de S. M., honorario y administrador general de rentes maritimas, y Don José Maria Noguera, contador de la misma por S. M.

Registro No. 241.

Certificamos que con las debidas formalidades se ha embarcado en la g ta Eng. Floride, su capitan Mar, con destino a Matamoras, los frutos y efectos que constan de las ocho poliza originales, que numeradas y conformes se accompanan, por las cuales se han satisfecho sus correspondientes dereches y ——— se entrega este registro cerrado y sellado al capitan para que la presente al sr. administrador de la aduana del puerto de sa destina.

Habana, Marzo seis de mil ochocientos sicenta y dos.

MARIANO DE ADRIAENSEUS.
JOSÉ MARIA NOGUERA.

84 [Translation.]

[ROYAL SEAL.] [STAMP.]

Value of this seal to exhibit, for the years 1862 and 1863, is seventy-four reals.

ARMILDEZ DE TOLEDO.

Don Mariano de Adriaensens, intendent of the province & secretary of her royal Majesty, honorable administrator general of maritime revenue, and Don Joseph Maria Noguera, treasurer of the same for her royal Majesty.

Register No. 241.

We certify that, with all proper forms, we have shipped, on board of the English schooner Floride, Capt. Marr, bound to Matamoras, the goods & merchandise contained in the eight original permits, which numbers & certificates accompany this, all the duties on which have been paid, ————————, which we have delivered to the captain to present to the custom-house at his port of destination.

Havana, Mar. 6th, 1862.

MARIANO DE ADRIAENSEUS.
JOSE MARIA NOGUERA.

85 *Goleta Inglesa Floride.*

Recibi del Capitan Dn. Wm. Marr un manifesto general de los cuatrocientossetenta y siete bultos de efectos que de este puerto para el de Matamoras de la republica Mejicana conduce en el referido buque de su mando, consignado a Don Francisco Armendias.

Habana, 6 de Marzo de 1862.

[L. S.] RAMON S. DIAZ,
Son 477 bultos. *el Counsul de Mejico.*

[Translation.]

English schooner Floride.

Received from Capt. Wm. Marr a general manifest of the four hundred and twenty-seven packages of goods from this port to the port of Matamoras, of the Mexican republic, shipped in the schooner to the order consigned to Francisco Armendias.

Havana, 6th March, 1862.

[L. S] RAMON S. DIAZ,
477 packages. *Mexican Consul.*

Consulado de la Republica Mejicana en la Habana—No. 35 *Matamoras.*

Recibi del Sor. Don Ch. Penot un a factura de cuatrocientos setenta y siete bultos de los efectos que remite a Matamoras a consignacion

de Dn. Francisco Armendais del comercio de dich puerto por la goleta Inglesa Floride, Cap'n Marr.

Habana, 6 de Marza, de 1862.

[L. S.] RAMON S. DIAZ,
Son 477 bultos. *el Consul de Mejico.*

86 *Mexican consul's certificates at Havana.*

[Translation.]

Consulate of the Mexican Republic in Havana—No. 35 *Matamoras.*

Received from Sr. Don Ch. Penot an invoice of four hundred and seventy-seven packages of goods shipped to Matamoras and consigned to Don Francisco Armendias, a merchant of that port, by the English schooner Floride, Capt. Marr.

Havana, 6th March, 1862.

[L. S.] RAMON S. DIAZ,
477 packages. *Mexican Consul.*

87 HABANA, *Marzo* 6, 1862.

Sr. Don FRANCISCO ARMENDAIS, *Matamoras:*

MUY SR. MIO: Incluyo contrato de fletamento y cenocimiento de varias efectos embarcados por mi cuenta y a su consignacion a cordo de la goleta Inglsa Floride, Capitan Mar, a la llegada del buque se servira yd vender las a los messores precos que pueda obtenor y comprar por el liquido producida un cargamento de aegodon o otra carga que el capitan fuzga por conveniente.

Sy de vd at seq serv., O. B S. aff

CH. PENOT.

[Translation.]

HAVANA, *March* 6, 1862.

Sor. Dn. FRANCISCO ARMENDAIS, *Matamoras:*

MY DEAR SIR: Enclosed I hand charter-party, and also bill of lading for sundry articles shipped by me on board of the British schooner Floride, Capt. Marr, and consigned to your address. Upon the arrival of this vessel you will please sell the articles sent you for the best market price, and invest the nett proceeds in a cargo of cotton, or any other article that the captain may suggest.

I am, sir, very respectfully, y'r ob't ser't,

CH. PENOT.

88 Shipped, in good order and well conditioned, by Ch. Penot, in and upon the good English schooner called the Floride, whereof —— —— is master for this present voyage, and now lying in the port of Havana and bound for Matamoras. To say:

250 bags coffee.
192 boxes soap.
1 case socks.

11 cases thread & spool cotton.
1 case thread & Indian silk cloth.
3 casks soda ash.
14 cases linen & cotton stuffs.
3 boxes paper.
2 cases calfskin.

Being marked and numbered as in the margin, & to be delivered in the like good order and condition, at the aforesaid port of Matamoras, all and every the dangers and accidents of seas and navigation of whatever nature or kind excepted, unto Francisco Armendais, or to assigns, he or they paying freight for the said goods, as per charter-party, with primage and average accustomed.

In witness whereof, the master or purser of the said vessel has affirmed to three bills of lading, all of this tenor and date; one of which being accomplished, the others to stand void.

Dated in Havana, 6th March, 1862. Weight & contents unknown.

WM. MARR.

89 *Hamel & Co., Havana —Charter-party.*

It is this day mutually understood and agreed upon between ———, in behalf of the owners of the British schooner Floride, of —— tons, whereof the same is master, now lying in Havana, on the first part, and Mr. Ch. Penot, merchant, on the second part, as follows: That the said vessel being tight, staunch, strong, and in every respect fitted for the intended voyage, Captain ——— shall receive on board said vessel a full and complete cargo, to consist of lawful merchandise, under and on deck, which shall not exceed what she can reasonably stow and carry over and above her tackle, apparel, provisions, and room sufficient for the accommodation of the officers and crew, and which cargo the said parties of the second part hereby agree to furnish at Havana.

The said vessel being so laden, Captain ——— shall, with all possible despatch, make sail for the port of Matamoras, Mexico, to trade from Havana to Matamoras and back to Havana, for a term of six months, or so near thereunto as she may safely get, and, on his arrival at the port of discharge, make a true and faithful delivery of the cargo, according to custom and the bills of lading:

In consideration whereof, freight shall be paid on unloading and right delivery of the cargo, at the rate of four hundred dollars per month, and all the port charges, lighterage, consul's fees, to be paid by charterers.

The lay days shall be as follows: After the expiratien of the
90 said six months, demurrage shall be paid, at the rate of twenty dollars for each and every day, as it may become due. The cargo shall be delivered alongside of the vessel at the expense of the shippers, and discharged according to custom at port of discharge. The vessel shall be consigned at Havana and Matamoras to the order of said merchants, paying usual commission. It is further understood and agreed

upon that the captain shall sign all bills of lading, without prejudice to this charter-party.

It is further agreed and understood that neither the charterers, or captain, or crew, can carry or ship in said vessel, during the duration of this charter, any goods or articles that can be considered contraband of war.

And for the due performance of the several articles of this agreement, the respective parties do hereby bind themselves, each unto the other, in the penal sum of half amount of freight, restraint of rulers, the acts of Good, fire, and all every of the dangers of the seas, rivers, and navigation, of whatever nature and kind, always excepted.

In testimony whereof, the respective parties have hereunto set their hands, in Havana, this 5 day of March, in the year one thousand eight hundred and sixty-two.

WM. MARR.

Witness to the signature—
CH. PENOT.

91 REMARKS.

March 2nd, 1862.

Sch'r Floride, Wm. Marr, master, laying in Havana. At ten a. m. joined the sch'r as mate. At five p. m. the crew came on board. So ends this day.

Monday, March 3d, 1862.

At 12 m. commenced taking in cargo for Matamoras. Latter part of this day strong winds from the northward.

Tuesday, March 4th, 1862.

Day commences with strong wind from the north. Crew employed taking in cargo. So ends this day.

Wednesday, March 5th, 1862.

This day fine, clear weather. Crew employed at ship's duty. So ends this day.

Sch'r Floride, Wm. Marr, master, from Havana for Matamoras, laying in Havana.

Thursday, March 6th, 1862.

This day begins with fine, clear weather. Crew employed at taking cargo. So ends this day.

Friday, March 7th, 1862.

This day commences with strong winds from the northwest. Crew variously employed this day. Received the last of the cargo.
92 Day ends with strong winds, and clear.

Saturday, March 8th, 1862.

This day commences with strong winds from NE. At 11 a. m. the pilot came on board, and proceeded to sea. At 12 m. passed the Moro, and shaped our course west for Matamoras. This day ends with strong winds, and clear.

Hour.	Knot.	Course.	Winds.
1		West	NE.
2	7		
3	8		
4	8		
5	8		
6	8	N.NW.	
7	8		
8	8		
9	8		
10	8		
11	8		
12	8		

Sunday, March 9th, 1862.

This day commences with strong winds from the eastward. All drawing; sails set at 9 p. m. Wind hauled to the SE.

Lat. by obs. 24° 45″.

Long. by obs. 85° 10″.

93

H.	K.	Course.	Winds.
1	8	W.NW.	E.
2	8		East
3	8		
4	8		
5	8		
6	8		
7	7		
8	7		
9	7		SE.
10	8		
11	8		
12	8		
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

94 District court of the United States, southern district of Florida.

I, George D. Allen, clerk of the district court of the United States for the southern district of Florida, do hereby certify that the foregoing ninety-three pages contain a true transcript of record of the said court in the cause of the United States *vs.* The Schooner Floride and cargo, Wm. Marr, master and claimant, prize, lately adjudicated in said court, and appeal from the final decree thereof having been taken to the Supreme Court of the United States.

In testimony whereof, I have hereunto affixed the seal of said court, at Key West, in the southern district of Florida, this sixth day of October, in the year of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States the eighty-seventh.

[SEAL.]

GEORGE D. ALLEN, *Clerk.*

Filed January 3, 1863.